



[WWW.RIVKINRADLER.COM](http://WWW.RIVKINRADLER.COM)

926 RXR Plaza  
Uniondale, NY 11556-0926  
**T** 516.357.3000 **F** 516.357.3333

**JOANNE ENGELDRUM**

PARTNER

(516) 357-3254

[joanne.engeldrum@rivkin.com](mailto:joanne.engeldrum@rivkin.com)

December 20, 2023

**Via ECF**

Hon. Jennifer H. Rearden  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1010  
New York, New York 10007

Re: *The Charter Oak Fire Insurance Company v. Old Republic General Insurance Corporation and Burgess Steel Erectors of New York, LLC*, No. 23 cv 05952-JHR  
RR File No.: 004584-00517

Your Honor:

Plaintiff, The Charter Oak Fire Insurance Company (“Travelers”), and Defendants, Old Republic General Insurance Corporation (“Old Republic”) and Burgess Steel Erectors of New York, LLC (“Burgess Steel”), submit this joint status letter in accordance with Your Honor’s October 26, 2023 Order.

Counsel for the parties participated in a pre-settlement telephone conference with Magistrate Judge Robert W. Lehrburger on November 22, 2023. After hearing from counsel, Magistrate Judge Lehrburger ordered the parties to each submit a letter by December 6, 2023 advising whether each party believes a settlement conference may be viable in this action. The parties did so and the settlement conference scheduled for January 4, 2024 was cancelled. Travelers plans to file a motion for summary judgment after the parties complete paper discovery.

Travelers and Old Republic have exchanged initial disclosures, initial discovery demands, and policies. Old Republic has responded to Travelers’ requests to admit. Burgess Steel has not yet served its

RIVKIN RADLER LLP

Hon. Jennifer H. Rearden  
December 20, 2023  
Page 2

initial disclosures or discovery demands. By agreement among counsel, Travelers and Old Republic will respond to all previously-served discovery demands on or before December 22. Also by agreement among counsel, Burgess Steel will serve its initial disclosures and respond to all previously-served discovery demands on or before January 5. Depositions have not been conducted.

Counsel for Icon Interiors, Inc. (“Icon”), in the underlying personal injury action filed by Alexander Johnson (the “Claimant”) and the related third-party action filed by Icon against Burgess Steel advises that Burgess Steel has not yet appeared in the third-party action. Counsel further advises that paper discovery has been exchanged in the main action but depositions, including the Claimant’s, have not yet been conducted.

Respectfully submitted,

Joanne M. Engeldrum

Joanne M. Engeldrum, Esq.  
Rivkin Radler LLP  
926 RXR Plaza  
Uniondale, NY 11556  
516-357-3000  
[Joanne.engeldrum@rivkin.com](mailto:Joanne.engeldrum@rivkin.com)  
Counsel for Plaintiff Travelers

Adam Kominsky

Adam Kominsky., Esq.  
Rawle & Henderson LLP  
3 University Plaza Drive, Suite 500  
Hackensack, NJ 07601  
973-643-1400  
[akominsky@rawle.com](mailto:akominsky@rawle.com)  
Counsel for Defendant Old Republic

Daniel Dietchweiler

Daniel Dietchweiler, Esq.  
Pillinger Miller Tarallo LLP  
555 Taxter Road, Fifth Floor  
Elmsford, NY 10523  
914-703-6300  
[ddietchweiler@pmtlawfirm.com](mailto:ddietchweiler@pmtlawfirm.com)  
Counsel for Defendant Burgess Steel